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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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| Office Action Summary | Application No. 10/573,044 | Applicant(s) SHIRAKATA ET AL. |
| | Examiner LEON-VIET Q. NGUYEN | Art Unit 2611 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 24 April 2009.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1 and 3-16 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1 and 3-16 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 22 March 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/1648) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to communication filed on 4/24/09. Claim 2 has been cancelled. Claims 1 and 3-16 are pending on this application.

Response to Arguments

2. Applicant's arguments, see Remarks, filed 4/24/09, with respect to the rejection(s) of claim(s) 1, 15, and 16 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Andrews et al (US6317098).

3. Applicant's arguments filed 4/24/09 with respect to claims 4, 6, and 8 have been fully considered but they are not persuasive.

Response to Remarks

Regarding claim 1, applicant asserts that neither Ma nor AAPA teach generating propagation coefficient estimation symbols which are orthogonal to each other between each of the transmission antennas (Remarks page 9 fourth paragraph).

Examiner agrees. However the argument is moot in view of the new grounds of rejection.

Applicant also asserts that only a single symbol Sref is used for the transmission antennas (Remarks page 9 fifth paragraph).

Examiner agrees.

However AAPA teaches that preamble generating section 901 in fig. 18 generates a propagation coefficient Sref (¶0006). Sref is used to generate transfer frame 1 and 2 through multiplexers 904 and 905 respectively. Therefore it would be necessary to have at least two propagation coefficients with each one being sent to a respective multiplexer.

Regarding claim 4, applicant asserts that because the dual pilot carriers are transmitted at two separate times, Dubuc does not disclose nor suggest a known phase and amplitude are assigned as the pilot carrier to only one of data symbols to be simultaneously transmitted from the plurality of transmission antennas, and an amplitude of 0 is assigned as the pilot carrier to the other data symbols to be simultaneously transmitted (Remarks page 10 fourth paragraph).

Examiner respectfully disagrees. It is first noted that in the previous office action, AAPA was relied upon to teach the simultaneous transmission of symbols (see page 7 of the previous OA). It would have been obvious to incorporate the transmission method of Dubuc with the simultaneous transmission of AAPA.

The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references.

Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Regarding claim 6, applicant asserts that neither Ma nor AAPA disclose or suggest estimating characteristics possessed by a plurality of transfer paths between the transmission antennas and the receptions antennas, for each of the transfer paths (Remarks page 11 first paragraph).

Examiner respectfully disagrees.

In fig. 18 of AAPA, frequency error estimating section 912 estimates a frequency error contained in received signal R1 (¶0010) and frequency error estimating section 913 estimates a frequency error contained in received signal R2 (¶0010). The received signal R1 is received by antenna RX1 and is interpreted to correspond to a transfer path. The received signal R2 is received by antenna RX2 and is interpreted to correspond to another transfer path. Therefore AAPA teaches estimating characteristics for a plurality of transfer paths.

Regarding claim 8, applicant asserts that AAPA does not disclose nor suggest calculating a frequency correction value for correcting the received signal, for each of the reception antennas, by weighted-averaging the estimated frequency error occurring in each of the transfer paths (Remarks page 11 fifth paragraph).

Examiner respectfully disagrees.

AAPA teaches calculating a frequency correction value for correcting the received signal (frequency correcting sections 915 and 916 in fig. 18), for each of the reception antennas, by averaging the estimated frequency error occurring in each of the transfer paths (averaging section 914 in fig. 18, ¶0011). Although AAPA does not explicitly disclose weighted-averaging, the examiner fails to realize the advantage of using weighted-averaging versus the averaging method as taught by AAPA.

Regarding claims 15 and 16, see the response to the rejection of claim 1.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 5, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ma et al (US20030072255) in view of the background of applicant's specification (hereby referred to as AAPA) and Andrews et al (US6317098).**

Re claim 1, Ma teaches a data transmission method for a transmission apparatus of transmitting a plurality of data sequences from a plurality of transmission antennas to a plurality of reception antennas using MIMO-OFDM (¶0017), the method comprising:

dividing a synchronization symbol (¶0017, ¶0090. The header symbol is interpreted to be a synchronization symbol) in which predetermined amplitudes and phases are assigned to a plurality of subcarriers (it is well known in that OFDM symbols have a phase and amplitude) which are spaced at predetermined frequency intervals (fig. 1B) and are orthogonal to each other (it is well known that OFDM symbols are orthogonal), into the plurality of transmission antennas (¶0017-¶0018), to generate a plurality of synchronization subsymbols (¶0017-¶0018); and

simultaneously transmitting the radio signals from the plurality of transmission antennas (¶0010, every transmitter transmit the same signal as a simulcast in OFDM)

Ma fails to teach modulating a plurality of pieces of transmission data to be transmitted from the plurality of transmission antennas into a plurality of data symbol sequences; and

generating propagation coefficient estimation symbols orthogonal between each of the transmission antennas as symbols for estimating inverse functions of propagation coefficients possessed by a plurality of transfer path between the transmission antennas and the reception antennas,

wherein the converting and transmitting step includes:

multiplexing the data symbol sequence, the synchronization subsymbol, and the propagation coefficient estimation symbol into a transfer frame for each of the plurality of transmission antennas; and

converting the transfer frame multiplexed for the plurality of transmission antennas into a radio signal.

AAPA teaches modulating a plurality of pieces of transmission data to be transmitted from the plurality of transmission antennas into a plurality of data symbol sequences (modulating sections 902 and 903 in fig. 18, ¶0006); and

generating propagation coefficient estimation symbols (element 901 in fig. 18, ¶0006) for estimating inverse functions of propagation coefficients possessed by a plurality of transfer path between the transmission antennas and the reception antennas (¶0011),

wherein the converting and transmitting step includes:

multiplexing (multiplexers 904 and 905 in fig. 18) the data symbol sequence, the synchronization subsymbol, and the propagation coefficient estimation symbol into a transfer frame for each of the plurality of transmission antennas (¶0007); and

converting the transfer frame multiplexed for the plurality of transmission antennas into a radio signal (¶0008).

Therefore taking the combined teachings of Ma and AAPA as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the step of AAPA into the method of Ma. The motivation to combine Ma and AAPA would be to provide a robust system that improves efficiency (¶0004 of AAPA).

Andrews teaches propagation coefficient estimation symbols (the matrix H in equation 1) that are orthogonal between each of the transmission antennas as symbols (col. 3 lines 24-29) for estimating inverse functions of propagation coefficients (col. 8 lines 59-64).

Therefore taking the combined teachings of Ma and Andrews as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the step of Andrews into the method of Ma. The motivation to combine Ma and Andrews would be to reduce the amount of processing at the receiver (col. 9 lines 2-4 of Andrews).

Re claim 5, the modified invention of Ma teaches a data transmission method wherein, in order to achieve synchronization between the plurality of transmission antennas, a single transmission local oscillator common (oscillator 908 in fig. 18 of AAPA) to the transmission antennas or a plurality of transmission local different among the transmission antennas, are used in said converting and transmitting (¶0008 of AAPA).

Re claim 15, the claimed limitations recited have been analyzed and rejected with respect to claim 1. It would be obvious to have an apparatus to perform the method as claimed in claim 1.

3. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the background of applicant's specification (hereby referred to as AAPA), Ma et al (US20030072255) and Andrews et al (US6317098) in view of Dubuc et al (US20070263667).

Re claim 3, the modified invention of Ma teaches a data transmission method wherein the modulating into the data symbol sequence comprises:

generating a data carrier (data symbol sequence 1 in fig. 19 of AAPA, it is well known that OFDM symbols are modulated onto subcarriers);

generating a pilot carrier (Ssync in fig. 19 of AAPA, it is well known in the art that pilot symbols are also known as synchronization and training symbols. Furthermore, it is well known that the symbols are modulated onto subcarriers); and

orthogonally multiplexing the data carrier and the pilot carrier (multiplexer 904 in fig. 18 of AAPA) into a plurality of data symbols (fig. 19 of AAPA), and outputting the plurality of orthogonally multiplexed data symbols as the data symbol sequence (fig. 19 of AAPA, ¶0007 of AAPA).

The modified invention of Ma fails to teach applying an amplitude and a phase based on the transmission data to a predetermined one of the plurality of subcarriers to

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generate the data carrier and assigning a known phase and amplitude to a subcarrier other than the data carrier to generate the pilot carrier. However Dubuc teaches applying an amplitude and a phase based on the transmission data to a predetermined one of the plurality of subcarriers to generate the data carrier (¶0060, the complex signal, which is an OFDM signal, has an amplitude and phase. It would be necessary to apply the amplitude and phase. Furthermore it is well known that OFDM signals are divided into subcarriers) and assigning a known phase and amplitude to a subcarrier other than the data carrier to generate the pilot carrier (¶0060, the pilot carrier is assigned a specific amplitude and phase).

Therefore taking the modified teachings of Ma, Andrews, and AAPA with Dubuc as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the step of Dubuc into the method of Ma, Andrews and AAPA. The motivation to combine Dubuc, Andrews, Ma and AAPA would be to correct for distortion (¶0064 of Dubuc).

Re claim 4, the modified invention of Ma teaches a data transmission method wherein said generating of the pilot carrier comprises assigning a known phase and amplitude as the pilot carrier to only one of data symbols to be simultaneously transmitted from the plurality of transmission antennas (¶0078 of Dubuc. A first pilot carrier has a first predetermined carrier amplitude and phase which is non-zero), and assigning an amplitude of 0 as the pilot carrier to the other data symbols (¶0078 of

Dubuc. A second pilot carrier has a second predetermined carrier amplitude and phase which is zero) to be simultaneously transmitted (¶0008 of AAPA).

4. Claim 6-8, 10, 11, 13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the background of applicant's specification (hereby referred to as AAPA) in view of Ma et al (US20030072255).

Re claim 6, AAPA teaches a data reception method for a reception apparatus of receiving a plurality of data sequences transmitted from a plurality of transmission antennas using MIMO-OFDM (¶0004), via a plurality of reception antennas, wherein

the plurality of data sequences (transfer frames 1 and 2 in fig. 19) include synchronization symbols (Ssync in fig. 19) composed of a plurality of subcarriers orthogonal to each other (¶0008, the signals are orthogonally modulated) into the plurality of transmission antennas (TX1 and TX2 in fig. 18),

the method comprising:

receiving the plurality of data sequences for each of the reception antennas (RX1 and RX2 in fig. 18, ¶0009);

synchronizing and demodulating the data sequences (demodulators 910 and 911 in fig. 18, ¶0010) received by the plurality of reception antennas for each of the reception antennas (RX1 and RX2 in fig. 18); and

estimating characteristics (elements 912 and 913 in fig. 18) possessed by a plurality of transfer paths between the transmission antennas and the reception antennas (fig. 18), for each of the transfer paths, based on the received signal

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demodulated for each of the reception antennas and the synchronization subsymbols included in the received signal (¶0010).

AAPA fails to teach wherein the synchronization subsymbols is generated by dividing a synchronization symbol. However Ma teaches dividing a synchronization symbol into subsymbols (¶0017, ¶0090. The header symbol is interpreted to be a synchronization symbol).

Therefore taking the combined teachings of AAPA and Ma as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the step of Ma into the method of AAPA. The motivation to combine Ma and AAPA would be to provide fast and accurate initial synchronization (¶0023 of Ma).

Re claim 7, the modified invention of AAPA teaches a data reception method wherein said estimating of the characteristics for each of the transfer paths comprises estimating a frequency error occurring in each of the transfer paths (frequency error estimating sections 912 and 913 in fig. 18 of AAPA) from a correlation between the received signal demodulated for each of the reception antennas and the synchronization subsymbol included in the received signal (¶0010 of AAPA), and the data reception method further comprises, after said estimating of the characteristics for each of the transfer paths, correcting a frequency of the received

signal based on the estimated frequency error (frequency correcting section 915 and 916 in fig. 18 of AAPA, ¶0011 of AAPA).

Re claim 8, the modified invention of AAPA teaches a data reception method wherein said correcting of the frequency of the received signal comprises:

calculating a frequency correction value for correcting the received signal (frequency correcting sections 915 and 916 in fig. 18 of AAPA), for each of the reception antennas, by weighted-averaging the estimated frequency error occurring in each of the transfer paths (averaging section 914 in fig. 18 of AAPA, ¶0011 of AAPA); and

correcting the frequency of the received signal based on the calculated frequency correction value for each of the reception antennas (¶0011 of AAPA), and outputting the received signal having the corrected frequency (¶0011 of AAPA, R1 and R2).

Re claim 10, the modified invention of AAPA teaches a data reception method wherein the received signal comprises propagation coefficient estimation symbols orthogonal to each other between each of the transmission antennas (Sref in fig. 19 of AAPA) as symbols for estimating inverse functions (element 917 in fig. 18 of AAPA) of propagation coefficients possessed by the plurality of transfer paths between the transmission antennas and the reception antennas (¶0011 of AAPA), and

the data reception method further comprises, after said correcting the frequency of the received signal (frequency correcting sections 915 and 916 in fig. 18 of AAPA), estimating the inverse function of the propagation coefficient for each of the plurality of transfer paths (element 917 in fig. 18 of AAPA) based on the propagation coefficient estimation symbol included in the received signal (¶0011 of AAPA) having the corrected frequency (¶0011 of AAPA, R1 an R2), and based on the estimated inverse function, separating signals transmitted from the plurality of transmission antennas from the plurality of received signals (¶0011 of AAPA, T1 and T2).

Re claim 11, the modified invention of AAPA teaches a data reception method further comprising, between said synchronizing, said demodulating(demodulators 910 and 911 in fig. 18 of AAPA, ¶0010 of AAPA), and said calculating of the characteristics for each of the transfer paths (demodulators 918 and 919 in fig. 18 of AAPA),

estimating a frequency error included in the demodulated received signal for each of the reception antennas (elements 912 and 913 in fig. 18 of AAPA, ¶0010 of AAPA), based on a correlation between the received signal demodulated by the synchronizing and demodulating step for each of the reception antennas (elements 912 and 913 in fig. 18 of AAPA perform correlation), and the synchronization symbol synthesized from the synchronization subsymbol included in the received signal (the transfer frames in fig. 19 of AAPA include the synchronization symbols);

calculating an average frequency error with respect to the plurality of received signals by weighted-averaging the estimated frequency errors (averaging section 914 in fig. 18 of AAPA, ¶0010 of AAPA); and

a second correcting of the frequencies of the plurality of received signals based on the calculated average frequency correction value (frequency correcting sections 915 and 916 in fig. 18 of AAPA, ¶0011 of AAPA).

Re claim 13, the modified invention of AAPA teaches a data reception method wherein, in the synchronizing and demodulating (demodulators 910 and 911 in fig. 18 of AAPA), in order to achieve synchronization between the plurality of reception antennas, a single reception local oscillator common to the reception antennas or a plurality of reception local different among the reception antennas (oscillator 909 in fig. 18 of AAPA), is used.

Re claim 16, the claimed limitations recited have been analyzed and rejected with respect to claim 6. It would be obvious to have an apparatus to perform the method as claimed in claim 6.

5. Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over the background of applicant's specification (hereby referred to as AAPA) and Ma et al (US20030072255) in view of Funamoto et al (US20050147186).

Re claim 9, the modified invention of AAPA fails to teach a data reception method wherein said estimating of the frequency error comprises generating a received symbol timing is generated based on a weighted average of peak timings of correlation values between the received signal and the synchronization subsymbol included in the received signal.

However Funamoto teaches in the step of estimating the frequency error (¶0208, clock-frequency error calculation), a received symbol timing (¶0208, time change rate) is generated based on a weighted average of peak timings (¶0208, averages the changes of the peak timings). It would be obvious to take the peak timings from the output of correlators 912 and 913 in fig. 18 of AAPA).

Therefore taking the modified teachings of AAPA and Ma with Funamoto as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the step of Funamoto into the method of AAPA and Ma. The motivation to combine Funamoto, Ma and AAPA would be to cancel inter-symbol interference (¶0197 of Funamoto).

6. Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the background of applicant's specification (hereby referred to as AAPA) and Ma et al (US20030072255) in view of Wilson et al (US7436757).

Re claim 12, the modified invention of AAPA fails to teach a data reception method wherein the receiving comprises:

receiving the signals transmitted from the plurality of transmission antennas using reception antennas the number of which is larger than the number of the plurality of data sequences;

determining reception levels of the signals received by the larger number of reception antennas; and

selecting or combining the signals received by the larger number of reception antennas, depending on the determined reception levels.

However Wilson teaches receiving the signals transmitted from the plurality of transmission antennas (antennas 11 and 12 in fig. 2) using reception antennas (antennas 21-24 in fig. 2) the number of which is larger than the number of the plurality of data sequences (it would be obvious to send two data sequences from the two transmit antennas);

determining reception levels of the signals received by the larger number of reception antennas (col. 7 lines 40-42, the SNIR is a measure of the signal strength); and

selecting or combining the signals received by the larger number of reception antennas (Rx beamformer in fig. 2), depending on the determined reception levels (it would be obvious utilize the signals with the highest SNIR).

Therefore taking the modified teachings of AAPA and Ma with Wilson as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the step of Wilson into the method of AAPA and Ma. The motivation to combine Wilson, Ma and AAPA would be to reduce the amount of noise and interference while maximizing the wanted signal energy (col. 6 lines 37-42 of Wilson).

Re claim 14, the modified invention of AAPA teaches a data reception method wherein said estimating of the characteristics for each of the transfer paths comprises estimating rough frequency characteristics for each of the transfer paths (¶0010 of AAPA, the frequency error is interpreted to be a rough frequency characteristic), based on the synchronization subsymbol included in the received signal demodulated for each of the reception antennas (¶0010 of AAPA, based on the synchronization preamble Ssync), and the

method further comprises, after said estimating of the characteristics for each of the transfer paths, estimating inverse functions of propagation coefficients possessed by the plurality of transfer paths based on the estimated rough frequency characteristics of each of the transfer paths (element 917 in fig. 18 of AAPA, ¶0011 of AAPA), and separating signals transmitted by the plurality of transmission antennas from the plurality of received signal based on the estimated inverse functions (¶0011 of AAPA, separates the multiplexed transmitted signals T1 and T2).

The modified invention of AAPA fails to teach wherein the frequency characteristics are estimated by interpolation of phases and amplitudes of the plurality of subcarriers included in the received signal. However Wilson teaches wherein a frequency characteristics (col. 2 lines 46-50, the channel estimate) is estimated by interpolation of phases and amplitudes of the plurality of subcarriers included in the received signal (fig. 1c, col. 2 lines 46-52. It would be obvious that the phase and the amplitude of the OFDM symbol be interpolated in time or frequency).

Therefore taking the modified teachings of AAPA and Ma with Wilson as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the step of Wilson into the method of AAPA and Ma. The motivation to combine Wilson, Ma and AAPA would be to improve channel estimation performance (col. 2 lines 53-57 of Wilson).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEON-VIET Q. NGUYEN whose telephone number is (571)270-1185. The examiner can normally be reached on Monday-Friday, alternate Friday off, 7:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C. Payne can be reached on 571-272-3024. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Leon-Viet Q Nguyen/
Examiner, Art Unit 2611

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